

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA

DOCKET NO. 2008-253-C - ORDER NO. 2008-533

JULY 23, 2008

IN RE: Petition of BellSouth Telecommunications,)	ORDER GRANTING
Inc. d/b/a AT&T South Carolina for Review)	NANPA NXX RELIEF
of NANPA NXX Code Denial in the)	
Chapin/Little Mountain-South Rate Center)	

This matter comes before the Public Service Commission of South Carolina (“Commission”) on the Petition of BellSouth Telecommunications, Inc. d/b/a AT&T South Carolina (“AT&T” or the “Company”) for Review of the North America Numbering Plan Administration (“NANPA”) central office code numbering resources in the 803 area code. According to AT&T, on May 23, 2008, AT&T requested that NANPA assign a two thousand number block (5000 - 6999) in existing 803 NXX to meet the numbering resource demands of four existing schools and three new schools of Lexington and Richland Counties’ School District 5, a customer of AT&T. School District 5 of Lexington and Richland Counties maintains an existing dialing plan in the Chapin/Little Mountain-South, South Carolina exchange. NANPA refused to provide the requested numbering resources because the Chapin/Little Mountain-South Center fails to meet the rate center based months-to-exhaust (“MTE”) and utilization criteria set forth in the Central Office Code NXX Guidelines.

NANPA's refusal stems from the Federal Communications Commission's ("FCC") "rate center" basis for determining the need for new numbering resources. Under FCC rules, carriers must exhaust their numbering inventory within six months of the application and meet a rate center utilization threshold of 75 percent in order to receive additional numbering resources. However, the record reveals that the Chapin/Little Mountain-South Rate Center is 10.77 months from exhausting their inventory and is using 49.31 percent of its numbering resources.

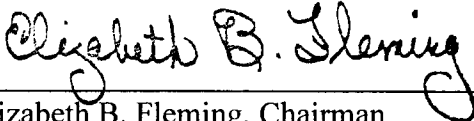
AT&T petitions the Commission to reverse NANPA's decision. The Company states that it does not have the resources in the Chapin/Little Mountain-South Rate Center necessary to serve the needs of its customer and will therefore be unable to provide the telecommunications services requested by this customer if the additional numbering resources are not obtained. Although AT&T fails to meet NANPA's requirements, the FCC maintains a policy that "under no circumstances should customers be precluded from receiving telecommunications services of their choice from providers of their choice for want of numbering resources." FCC 000-429 at ¶ 61. To this end, the FCC allows carriers to challenge a NANPA decision at the appropriate state regulatory commission. FCC 01-362 at ¶¶ 61-66; Central Office Code (NXX) Assignment Guidelines § 13.0. States may grant relief "if a carrier demonstrates that it has received a request for numbering resources in a given rate center that it cannot meet with its current inventory." FCC 01-362 at ¶ 64.

We find that the South Carolina Public Service Commission, as the regulator of the rates and service of telecommunications companies under the authority of S.C. Code

Ann. § 58-9-210 et seq., has the authority under both the FCC's rules and the Central Office Code (NXX) Assignment Guidelines to review a decision by NANPA denying a request for numbering resources. We further find that AT&T has demonstrated receipt of a customer request for numbering resources in the Chapin/Little Mountain-South Rate Center that it cannot meet with its current inventory. It is our opinion that these additional numbering resources are necessary for AT&T to provide this customer with its required telecommunications service. Consequently, we hold that NANPA is directed to approve AT&T's code assignment of the two thousand number blocks (5000 – 6999) in the existing 803 NXX that it recently requested for the Chapin/Little Mountain-South Rate Center.

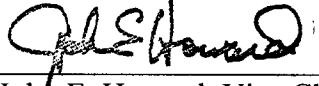
This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:



Elizabeth B. Fleming, Chairman

ATTEST:



John E. Howard, Vice Chairman

(SEAL)